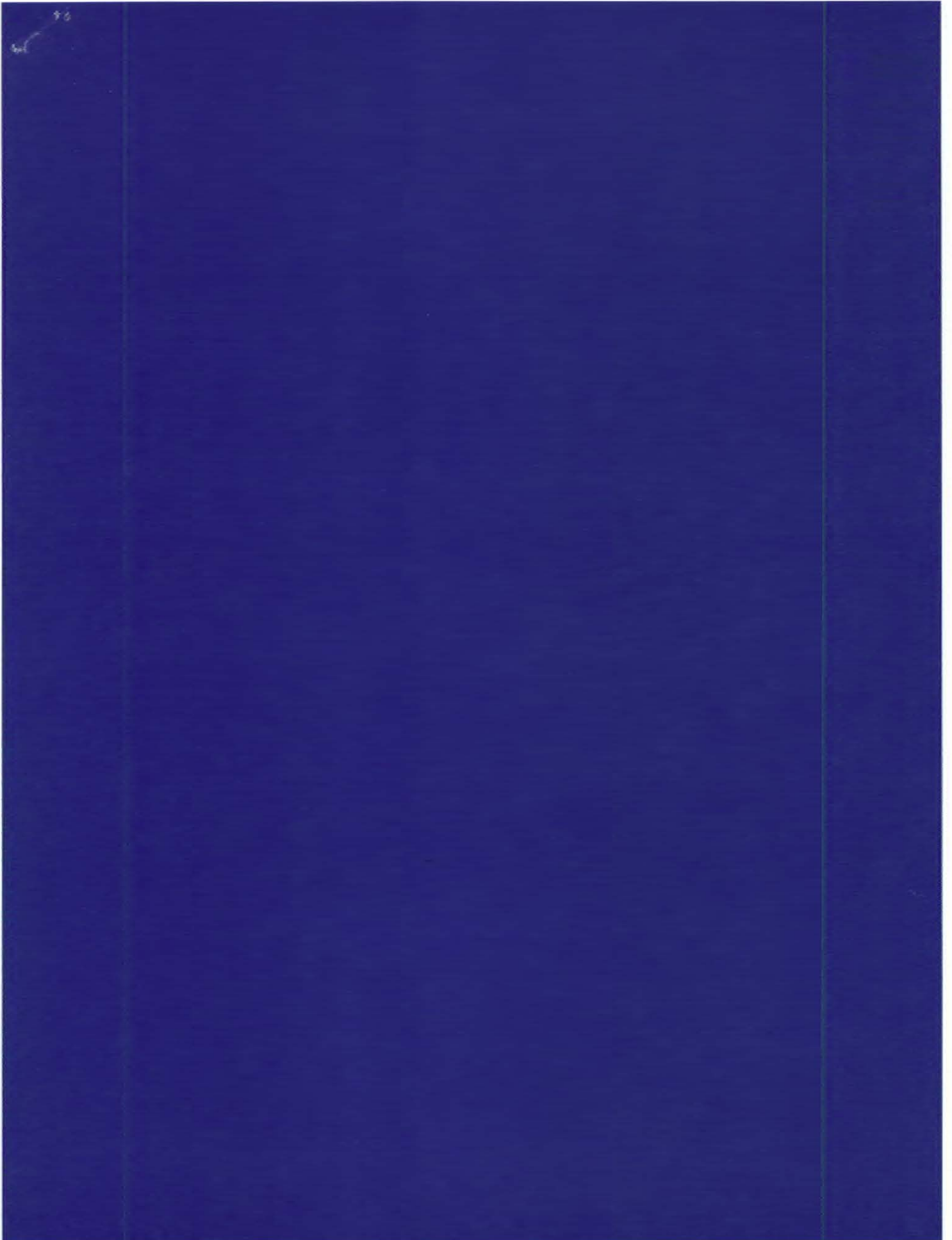


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**EXHIBIT B TO STATEMENT -
(B) THE GILLETTE COMPANY, 1971 STOCK OPTION PLAN, DATED DECEMBER 13, 2005
(REPRODUCED HEREIN AT PP. A-323–A-327)**

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**EXHIBIT B TO STATEMENT -
(B) THE GILLETTE COMPANY, 1971 STOCK OPTION PLAN, DATED DECEMBER 13, 2005
(REPRODUCED HEREIN AT PP. A-323–A-327)**

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1. I have been questioned for about 10 minutes on Monday, June 15th, 2009 after I came to work, by HR director, my boss and one other person, about what have happened during the night of June 8th, in your room in Emporium Suite hotel in Bangkok. I was told that there is a recording from the events that night, that was accidentally or not, recorded on the answering machine of your boss (Andrew).
2. I did not deny that something was going on. Did not want to listen to the recording. I just told them the truth; what was going on that night was a consensual relationship between two adult persons who knew each other before and had a friendly and emotional relationship going on for few months already. I told them that you have sent me a message that I can come to your room (to eat the dessert together). Also, I told them that nothing was forced upon any of us while being together and that at any point in time what was going on could have been stopped by either one of us – which eventually did happen at the moment when we just ate desserts and I have left the room w/o any harm happened to any of us.
3. I was promptly “terminated for Cause” which meant that I was escorted from the building half an hour later. I was paid only until June 15, 2009. All my stock options (value was several hundreds thousand dollars) were cancelled immediately, even though I got them from 2001-2005 and never exercised them. I was fired without any severance payment either.
4. What this means to me – my whole life is destroyed. I lost my job in a situation where it will be very hard for me to find another due to the economic situation in USA and partially due to my age. I will lose my house if I don't find a job fast, which is very unlikely. My marriage is destroyed as well, my family is all against me, for good reasons, and my son may be psychologically affected possibly for the rest of his life.

My question to you Bel is why? I remember you have called your boss in the course of that evening to let him know what the final numbers are for the bidding tomorrow. It is quite possible that the phone was then left on, and that next morning when you were faced with the recordings, you, in order to protect yourself, your marriage and integrity of your position at Practical just told your boss that it was me who came to room uninvited and that you were “victimized”. That may have prompted him to report it immediately and you just went on with it.

While I can understand that, please try to understand my situation right now – the gravity of it is such that I still am trying to comprehend it. What you can do to help me is just to write the statement of your own, explaining that we knew each other for quite some time, that there was an exchange of e-mails going back and forth, since January 2009, that what happened that night was in no way harmful to you, but it was just a consensual relationship between two of us that eventually ended up without any harm to any of us. Also, you could say that it was you who sent the text message that I can come to your room to eat the dessert together.

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Please keep in mind that even with such a statement there is not much I can do to ease my position, but I might be able to try to at least decrease the financial damage to my family. The embarrassments I have gone through by being terminated on the spot, by being judged by my wife, son and family, and the one where I can hardly face anybody I have known from Duracell (last 9 years of my life) because “there are something bad about him – if he has been terminated on the spot” are punishments that even if were not coupled with the financial disaster and lack of work (which they are) are bad enough to burry me forever.

So please, understand that what I am asking for you to do is a just and correct thing to be done. You will not risk anything – your job is secure, your marriage is secure, and the statement may help me to at least try to start gather some pieces of my shattered life together. Think about it and do what the right thing is.

Predrag

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CICVARA v. PROCTOR & GAMBLE

December 21, 2010

Page 1

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF CONNECTICUT
 CIVIL ACTION NO. 3:09-CV-2054 (JCH)

-----x
 PREDRAG CICVARA,

Plaintiff,

-versus-

THE GILLETTE COMPANY and PROCTER &
 GAMBLE COMPANY, Inc., DURACELL, AN
 ENTITY OF UNKNOWN FORM and LYNNE
 BURNETT,

Defendants.
 -----x

Videotaped Deposition of PREDRAG CICVARA,
 taken pursuant to Notice and the Federal Rules of
 Civil Procedure, at the law offices of Levett
 Rockwood P.C., 33 Riverside Avenue, Westport,
 Connecticut, before June Keefer, RMR, RPR, Licensed
 Shorthand Court Reporter, License No. 108, a Notary
 Public in and for the State of Connecticut, on
 December 21, 2010, at 10:03 a.m.

1 A P P E A R A N C E S:

2

3

For the Plaintiff:

4

LAW OFFICES OF IGOR I. SIKORSKY, JR., P.C.

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By: IGOR I. SIKORSKY, JR., ESQ.

8

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For the Defendants:

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620 Eighth Avenue

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12

Tel: (212) 218-5500

By: EDWARD CERASIA, II, ESQ.

13

-AND-

HEMA CHATLANI, ESQ.

14

15

16

17 A L S O P R E S E N T:

18

LOUISE S. BROCK, Senior Counsel

19

Legal Division

The Procter & Gamble Company

20

299 East Sixth Street

Cincinnati, Ohio 45202

21

22

CHAD ROY, Videographer

Geomatrix Productions

23

270 Amity Road

New Haven, Connecticut 06525

24

25

1 S T I P U L A T I O N S

2

3

4 IT IS HEREBY STIPULATED AND AGREED by and
5 between counsel for the respective parties hereto that
6 all technicalities as to the proof of the official
7 character of the authority before whom the deposition is
8 to be taken are waived.

9

10 IT IS FURTHER STIPULATED AND AGREED by and
11 between counsel for the respective parties that any
12 defects in the notice are waived.

13

14 IT IS FURTHER STIPULATED AND AGREED by and
15 between counsel for the respective parties hereto that
16 the deposition may be signed before any Notary Public.

17

18 IT IS FURTHER STIPULATED AND AGREED by and
19 between counsel for the respective parties hereto that
20 all objections, except as to form, are reserved to the
21 time of trial.

22

23

24

25

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1 THE VIDEOGRAPHER: On the record at 10:03
2 a.m.

3 MR. CERASIA: This is the deposition of
4 Predrag Cicvara recorded on December 21st, 2010, in
5 Westport, Connecticut. This deposition is being taken in
6 the case of Predrag Cicvara versus The Gillette Company,
7 Procter & Gamble Company, Inc., Duracell An Entity of
8 Unknown Form, and Lynne Burnett, and was noticed by
9 myself, Edward Cerasia, Seyfarth Shaw, as counsel for the
10 Defendants. The videotape operator is Chad Roy of
11 Geomatrix Productions, 270 Amity Road, in New Haven,
12 Connecticut.

13 As far as stipulations, I assume you'll
14 have your client read and sign the transcript.

15 MR. SIKORSKY: Yes; otherwise standard
16 stipulations here. We certainly waive any questions as
17 to the competency of the court stenographer, notice
18 because --

19 MR. CERASIA: We've agreed on the date.

20 MR. SIKORSKY: -- we agreed on the date
21 here, after several postponements, as I recall it.

22 MR. CERASIA: And we'll retain the
23 original of the exhibits in our office.

24 MR. SIKORSKY: Yes.

25 MR. CERASIA: We'll supply you with

1 copies obviously.

2 My name is Edward Cerasia, II, from
3 Seyfarth Shaw. Mr. Cicvara --

4 MR. SIKORSKY: My name is Igor Sikorsky.
5 I represent the Plaintiff in this action.

6 * * *

7 P R E D R A G C I C V A R A ,

8 2122 North Benson Road, Fairfield, Connecticut 06824,

9 called as a witness, having been first duly sworn by
10 June Keefer, a Notary Public in and for the State of
11 Connecticut, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. CERASIA:

14 Q. Good morning, Mr. Cicvara. I introduced myself
15 before the deposition. As you know, I and my law firm
16 are counsel to the Defendants in the lawsuit that you
17 filed in Federal District Court in Connecticut against
18 Gillette and Procter & Gamble. Have you ever given a
19 deposition before?

20 A. No.

21 Q. Have you ever been a witness in any kind of
22 proceeding where you gave sworn testimony?

23 A. No.

24 Q. Okay. Let me just go over a couple of rules
25 and what's going to take place today. First of all, it's

1 important both for the stenographer as well as the
2 videographer that the two of us have to wait for each
3 other to finish speaking before we speak. You may
4 anticipate some of my questions, but please let me finish
5 them before you speak, okay?

6 A. Okay.

7 Q. The other thing is you have to verbalize your
8 responses, so you can't wave your arms, nod your head;
9 you have to give a yes or no answer or other verbal
10 response, okay?

11 A. Yes.

12 Q. If at any point you don't understand one of my
13 questions, will you please let me know that?

14 A. Sure.

15 Q. Okay. If you don't say anything to me about
16 whether or not you understand a question, I'm going to
17 assume that you do understand my questions, okay?

18 A. Okay.

19 Q. You realize that you're under oath?

20 A. Yes.

21 Q. Okay. And you realize that it's your
22 obligation to give truthful answers to the best of your
23 ability?

24 A. Yes.

25 Q. Did you do anything to prepare for this

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1 deposition today?

2 A. Yeah. I read a few things that were in the
3 material that you supplied.

4 Q. Do you remember what it was that you read?

5 A. Yeah, I remember. There were many things,
6 like, for example, some things that Bel Liu said to
7 Duracell people when she was giving her deposition to
8 them or I don't know do you call it deposition, but it's
9 when she talked to the personnel from human resources. I
10 also did read the certain documents that you might not
11 have possession of, which the documents that are about
12 whistle-blowing case, which I did brought to the
13 attention of people in Duracell in 2007, in December.
14 There were a few other documents, but they were all
15 supplied more or less by you.

16 Q. You have a folder in front of you. What's that
17 folder?

18 A. There are certain things in it which I might
19 use to refresh my memory, so.

20 Q. Did you review those documents before today?

21 A. Yes.

22 Q. Did you review them to refresh your memory in
23 preparation for your deposition testimony today?

24 A. Yes.

25 Q. May I see those documents?

1 A. Yeah, sure, you can see them.

2 Q. Have you taken any kind of medication that
3 would either impact your ability to understand my
4 questions today or to give truthful answers?

5 A. No.

6 Q. Have you consumed any alcohol in the last 12
7 hours?

8 A. No.

9 Q. Did you speak to anybody in preparation for
10 your deposition today?

11 A. No, except to my lawyer a few minutes, no.

12 Q. Did you meet with him to prepare for this
13 deposition? I don't want to know what was discussed.
14 I'm just wondering if you met with him.

15 A. He just came to my house and we drove to here
16 because he lives about one-hour-and-a-half driving up in
17 Connecticut.

18 Q. So how long were you in the car together today?

19 A. Oh, ten minutes, fifteen minutes.

20 Q. From Fairfield? Do you still reside in
21 Fairfield?

22 A. Yes.

23 Q. Have you ever been a party to a lawsuit before?

24 A. Yeah, against my neighbor. That was something
25 about him putting the addition to his house which was

1 against the zoning regulations.

2 Q. You sued your neighbor to stop the addition?

3 A. No, not to stop, just to change it.

4 Q. To change it?

5 A. Yes, according to the rules.

6 Q. When was that, sir?

7 A. 2004.

8 Q. Was that in State Court, Federal Court or some
9 kind of zoning court?

10 A. I believe it was in State Court or -- I don't
11 really know.

12 Q. Did you have a lawyer?

13 A. Yes.

14 Q. Who was your lawyer?

15 A. I don't recall. It was not that important.

16 Q. Other than the lawsuit where you sued your
17 neighbor somewhere around 2004, have you been a party to
18 any other kind of lawsuit?

19 A. No.

20 Q. Have you ever been involved in any kind of
21 arbitration or government agency proceeding?

22 A. No.

23 Q. Have you ever been arrested?

24 A. No.

25 Q. Have you ever been convicted of a crime?

1 A. No.

2 Q. You said you resided in Fairfield?

3 A. Yes.

4 Q. And how long have you resided there?

5 A. Twelve years.

6 Q. Where did you reside before Fairfield?

7 A. In Bethel, Connecticut.

8 Q. And how long were you in Bethel?

9 A. Oh, from 1993 to 1998.

10 Q. Who do you reside with?

11 A. My wife and my son.

12 Q. How old is your son, sir?

13 A. He's twenty-six.

14 Q. And what's your wife's name?

15 A. Lillian, L-i-l-l-i-a-n.

16 Q. And how long have you been married?

17 A. It will be from 1983, so 27 years.

18 Q. How long have you been in the United States?

19 A. Since 1991, September.

20 Q. And where did you reside before then?

21 A. In Zagreb, Croatia.

22 Q. Is that where you were born?

23 A. No. I was born in Stara Morivica, Yugoslavia.

24 I have to spell it. But is it important where I was

25 born?

1 Q. No, no.

2 A. S-t-a-r-a, and then the second word is
3 M-o-r-i-v-i-c-a.

4 Q. And that's Yugoslavia?

5 A. Yeah. That was Yugoslavia at that time.

6 Q. Right.

7 A. So I'm just being precise.

8 Q. When did you first become employed with
9 Duracell or Gillette?

10 A. November 1st, 2000.

11 Q. And who was your employer at that time or what
12 entity was your employer as you understood it?

13 A. It was Duracell Corporation or Duracell, part
14 of Gillette Company.

15 Q. And that was in Bethel?

16 A. Bethel, Connecticut.

17 Q. What role were you hired into?

18 A. Manager of Worldwide Technical Services in the
19 OEM sales group.

20 Q. What does OEM stand for, for the record?

21 A. Original equipment manufacturer.

22 Q. And what were your job duties as the Manager of
23 Worldwide Technical?

24 A. I was in charge of technical issues which
25 salespeople were experiencing in that group. Also in

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December 21, 2010

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1 charge of their computers, programs that we developed to
2 help them to sell direct to OEM manufacturers. It means
3 like, if I have to clarify, Duracell is manufacturer of
4 batteries and part of what OEM sales group was doing is
5 selling batteries directly to manufacturer of devices so
6 that when you open up the device batteries would be
7 included. It means like it's a part of marketing
8 basically. And the sale price of such batteries is
9 usually much, much less than the retail price, which
10 opens up possibility for diversion, which was part of
11 whistle-blowing case. And part of my duties, not only as
12 Worldwide Technical manager, but after that where I
13 became Manager of OEM Business Services, it means like I
14 actually was in charge of technical, also in charge of
15 marketing, forecasting, pricing, all that you can
16 imagine, because there was a big cut in Duracell in April
17 2002 when I got that position and part of my position was
18 to prevent diversion sales, which is very important in
19 this story.

20 Q. Did you say diversion sales?

21 A. Yes. That's the sales where you would sell
22 supposedly to the OEM manufacturer who would then resell
23 that to retail, and that will open up a possibility to
24 get a pretty hefty profit on it, because we would sell --
25 double As sell for 10 cents and Duracell is selling those

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1 cells for 40 cents to retail and you are paying, you
2 know, anywhere from 50 to a dollar per cell. So the
3 difference is 30 cents per cell. C-e-l-l, it means like
4 a piece of battery, double A. And the difference is 30
5 cents. If you sell 10 million per year, that opens up
6 possibility of gaining \$3 million. And diversion that I
7 found in 2007 was selling more than 10 million, it was
8 selling 70 million cells per year.

9 Q. Okay. This raises another issue with respect
10 to the rules for the deposition. I'm going to ask you
11 questions. I'm going to just ask that you answer the
12 questions that I ask you, okay?

13 A. Okay.

14 Q. And if I want more information I'll let you
15 know, okay?

16 A. Yeah. I would answer clearly to your question,
17 except you will have to give me space to explain how that
18 affects whatever we are actually talking about here.

19 Q. Okay. If you don't understand one of my
20 questions, you can let me know.

21 A. I'll ask, yes.

22 Q. When you were the Manager of OEM Business
23 Services, right --

24 A. Yes.

25 Q. -- did you -- who did you report to at that

1 time?

2 A. When I was Manager of Business Services I
3 reported to Mani Parmar. M-a-n-i, that's the first name.
4 The last name is P-a-r-m-a-r.

5 Q. And you held the position of Manager of OEM
6 Business Services from, what, 2002 to 2008?

7 A. From April of 2002 until March 31st, 2008.

8 Q. And then in March -- or excuse me, April 1st of
9 2008 you had a new role as the Duracell Lighting Quality
10 Leader?

11 A. I have to correct you. I didn't have new role.
12 I was transferred to that role, to the role of, yes,
13 exactly what you said, Duracell Lighting Quality Leader,
14 which pretty soon became something else in a few months.

15 Q. Okay. But the Duracell Lighting Quality Leader
16 role was different than the manager of OEM; right?

17 A. Yes.

18 Q. Whether it was a transfer or whatever, you had
19 a new job and a new role?

20 A. Yes, because partially I was asking for that
21 because I didn't want to report to the person that I told
22 or was sure was responsible for diversion.

23 Q. Okay. So in the role as the Duracell Lighting
24 Quality Leader you started to report to Harley Ballew?

25 A. Yes.

1 Q. That's B-a-l-l-e-w?

2 A. Yes.

3 Q. Was there anybody else that you reported to at
4 that time?

5 A. Yeah. I reported to Kevin Babis a few months
6 after that because I was kind of promoted to the position
7 of QA manager. B-a-b-i-s, Kevin.

8 Q. How long did you remain in the role of Duracell
9 Lighting Quality Leader?

10 A. Just two months or three months maybe.

11 Q. So until the summer of --

12 A. Yes.

13 Q. -- 2008?

14 A. Yes.

15 Q. So your last year of employment at the company
16 what was your title?

17 A. QA manager.

18 Q. And you stopped reporting to Haley, right?

19 A. Yes, and I started to --

20 Q. Or Harley, I'm sorry.

21 A. Harley, yes. And I started to report to Kevin
22 Babis.

23 Q. Okay. And what was your -- what were your job
24 duties as a QA manager from about June of 2008 through
25 June of 2009?

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1 A. I was in charge of contractors. That's a broad
2 definition, but contractors. And just to make things
3 clear, Duracell bought many things directly from many
4 other companies and when they came in the form that is
5 ready to be sold directly to the shelves in retail, so if
6 you can brought product directly from the manufacturer,
7 which usually was in China to the retail, then in P&G
8 terms it is contractor. So I was in charge of
9 contractors, and Duracell had about let's say anywhere
10 from 45 to 55 contractors at any given time in the world.
11 That's throughout the world, so China, Indonesia, Taiwan,
12 Japan, Europe, everywhere. And also I was on my way to
13 become a section head in QA, which was I supposed to
14 become on July 1st, 2009 and I never did because I was
15 fired.

16 Q. Did you have a good working relationship with
17 Kevin Babis?

18 A. Excellent.

19 Q. Did you have any animosity or hostility towards
20 him?

21 A. No.

22 Q. Did he ever exhibit any kind of animosity or
23 hostility toward you?

24 A. No.

25 Q. Did you trust him?

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1 A. Oh, I don't know. I honestly cannot answer
2 that, because, you know, from the professional point of
3 view I didn't have any reason not to trust him, but, you
4 know -- and as I said we had an excellent relationship,
5 but to trust somebody you have to have a little bit
6 deeper thing.

7 Q. Right, but from your professional dealings with
8 him you had no reason not to trust him?

9 A. No.

10 Q. In your dealings with him as your manager did
11 you find him to be a fair person?

12 A. Yes.

13 Q. Did you find him to be an honest person?

14 A. I don't know.

15 Q. In your dealings with him as a manager.

16 A. In my dealings with him, yes, yeah, I would say
17 so.

18 Q. Yeah, I'm just asking about your dealings with
19 him.

20 A. Yeah, yeah.

21 Q. Now, going back to when you said you were in
22 charge of contractors, does contractors also include
23 companies that supplied parts to the company?

24 A. No. No. That was the distinction. Whenever
25 somebody supplies the part, that is part for a product

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1 that is later manufactured, in P&G world that's not
2 contractor, so that's either supplier, vendor or you call
3 it whatever your name, whatever name you want. The
4 definition of contractor is somebody who is supplying the
5 product that is already packaged in Duracell packaging
6 which is ready to be sent to the shelves in retail.

7 Q. So it is the final product?

8 A. The final product, yes. It means like Duracell
9 would put its name on the products. And that's usual,
10 you know, that's not just Duracell, everybody is doing
11 that. So it includes different types of batteries that
12 Duracell did not manufacture but it did sell under
13 Duracell name, and it did include flashlights, you know,
14 memory cards, all these other things that are not
15 directly connected to the batteries.

16 Q. Are you familiar with a company out of Hong
17 Kong called Practical Lighting?

18 A. Yes.

19 Q. And is Practical Lighting one of the
20 contractors?

21 A. Oh, I have to correct you. I'm sorry. When
22 you said out of Hong Kong, they don't have name Practical
23 Lighting in Hong Kong; they have some other name. They
24 cannot use that name in Hong Kong because it's already
25 sold to somebody. So I think, I believe their name in

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1 Hong Kong is World Hint, I'm not sure, World Hint,
2 H-i-n-t, but I'm not sure even in that, but it's
3 different. In Hong Kong per se it's a different name,
4 but it's Practical, yes.

5 Q. Okay. Where was -- where did you understand
6 Practical Lighting to be based out of?

7 A. I had very good understanding of it. Practical
8 Lighting had three manufacturing facilities. One
9 facility was in Zhongshan, China. It's
10 Z-h-o-n-g-s-h-a-n, Zhongshan, okay, that's in China. The
11 other facility is in Bangkok, Thailand. And the third
12 facility is in Medan, M-e-d-a-n, Indonesia. So they had
13 three manufacturing facilities, and the third facility
14 didn't have even name Practical. The name Practical was
15 only in Thailand and in Zhongshan in China. The third
16 facility, let me try to refresh my memory just a second.
17 Oh, okay. So here you can actually see exactly, if you
18 want, this P.T. Era Cipta, that's the name of the
19 company.

20 Q. Can I see the card you're looking at?

21 A. Yeah, sure. That's the director.

22 Q. What are the other cards that you have in your
23 hand?

24 A. Oh, the other card, this is the owner of the
25 Practical Company, Mr. Andrew Yau. I have Yuen Yau,

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1 which is Practical Flashlight Company in Thailand. And I
2 have Mr. Willies Kurniawan, P.T. Cipta Elektrik
3 Kreasindo; that is the second part of the P.T. Era Cipta
4 in Indonesia, which is son of the owner, who actually
5 drove us when we were doing audit in Indonesia.

6 MR. SIKORSKY: May we have those copied
7 and then put in?

8 MR. CERASIA: Sure, that's what I'll do.

9 MR. SIKORSKY: Just a photocopy, since
10 they've become part of the testimony.

11 THE WITNESS: These are originals, maybe
12 I would like to have them.

13 Q. Andrew Yau --

14 A. Yes.

15 Q. -- was the chairman of Practical?

16 A. Yes; correct. He was the boss of Bel Liu,
17 B-e-l, L-i-u.

18 Q. And he ran the Practical Company was your
19 understanding?

20 A. Plus he ran some -- many other businesses.

21 Q. Okay. I need to go back to a question I asked
22 before you told me what the different name of Practical
23 was, maybe in Hong Kong. Was Practical one of the
24 contractors that you've identified?

25 A. Yes. Yes, one of the contractors, with the

1 three manufacturing facilities, yes.

2 Q. Correct. And it was a contractor with respect
3 to the flashlights?

4 A. Yes.

5 Q. Which ones, the Daylite?

6 A. Well, no. There were many other contractors
7 for flashlights.

8 Q. No. I'm just asking about Practical, what did
9 it contract --

10 A. Yeah, and in order for me to answer I have to
11 explain. So if you allow me I will try to explain.
12 Daylite is a new product that Duracell launched and there
13 are many different types of flashlights for Daylite, it's
14 double A, triple A, there is a C and D, so five models at
15 least. Two first models that were launched were not
16 given to Practical, they were given to Smart Light which
17 was another Chinese company that manufactured for
18 Duracell, which actually Practical didn't like, and they
19 didn't know that at the point. We were trying not to
20 interfere with the businesses between the companies, but
21 they come to know it, and I don't even know how, but they
22 come to know it, so they actually make a lot of pressure
23 to Duracell to give them C and D businesses for Daylite,
24 which we did.

25 So that answers your question, yes, they were

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1 involved in the Daylite product, but they were not
2 involved at the beginning, which they didn't like at all,
3 because they felt they're losing business that they are
4 entitled to have. So I think it's very important to say
5 that.

6 Q. So the relationship at some point was a little
7 bit strained --

8 A. Yes.

9 Q. -- is that fair to say?

10 A. Yes.

11 Q. Because Mr. Yau and the folks at Practical were
12 upset with Duracell that they weren't getting more of the
13 business?

14 A. Exactly.

15 Q. What year was that?

16 A. We launched Daylite in 2008 at the end. So
17 basically the Daylite started to be, you know, processed
18 and manufactured throughout -- to be designed and
19 manufactured, double A and triple A, first two models, in
20 2008 throughout the year, and that was all with Smart
21 Light. So the first time that Practical got involved was
22 towards the end of 2008 where they get D cell flashlight,
23 Daylite, and they were supposed to get certain orders by
24 the end of 2008 which they didn't, which again made them
25 very, very unhappy because their manufacturing facility

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1 in China was practically empty. In December 2008 when I
2 went there to audit that facility their manufacturing in
3 China was completely stopped, they didn't have one person
4 on the manufacturing floor of the factory that was pretty
5 big and had probably more than 15 lines of manufacturing,
6 not one of them was open, and Bel Liu was really
7 complaining about that, telling that, you know, Duracell
8 promised them that there will be orders coming and orders
9 didn't come.

10 Q. And did Mr. Yau also complain, too, that you
11 know of?

12 A. No, I don't know about that, because I
13 didn't -- I was not in contact with Mr. Yau. I
14 actually -- I know that he did in one of his e-mails
15 where he used up whatever happened to his advantage where
16 he actually -- when he sent e-mail, and I think that
17 e-mail might be there in the set of documents that I
18 brought here, is where he sent e-mail at the end of, you
19 know, correspondence about my firing, sent e-mail to Erik
20 Lawson, telling him, look -- Eric, E-r-i-c, and
21 L-a-w-s-o-n, who is director of sales in Duracell, sent
22 him an e-mail telling him, look, let's forget what
23 happened and let's concentrate on business. It means
24 like actually what he wanted is he used up whatever
25 happened to concentrate on business and then he said in

Page 24

1 his e-mail you promised that the business is going to
2 grow with Practical, we expected lots of orders and it
3 never come, so maybe when we see each other next time we
4 should sit down and talk about how this is going to
5 change, which means that he actually used my firing and
6 my alleged harassing of Bel Liu, alleged harassing of Bel
7 Liu, in order to gain leverage over Duracell, which he
8 actually did straightforwardly in that e-mail.

9 MR. CERASIA: By the way, Erik is with a
10 K.

11 THE WITNESS: Oh, I'm sorry.

12 MR. CERASIA: That's okay. And Daylite
13 is D-a-y-l-i-t-e.

14 THE WITNESS: D-a-y-l-i-t-e, yes. It's a
15 very unusual spelling. It's probably to avoid certain
16 things and to give it brand mark.

17 Q. You've referred to the fact that you audited
18 one of Practical's facilities in China. What do you mean
19 by auditing the facility?

20 A. Well, auditing is about a two-day event where
21 you go over what they call QAKE 1 through 19, Q-A-K-E
22 capitalized, 1 through 19, which means Quality Assurance
23 Key Elements 1 through 19, which is P&G quality assurance
24 way of auditing facilities, and again this is important
25 for the whole story so I'll give a little bit of

Page 25

1 background here.

2 All contractors are measured the same way as
3 would be the manufacturing facility of P&G in United
4 States. So regardless of where in the world that
5 facility is they have to have at least 85 percent out of
6 100 percent to be proclaimed eligible to do business with
7 P&G. If the company, the contractor on the first audit
8 doesn't have 50 percent, and, you know, the way of how
9 this is measured is not important, but if they don't have
10 50 percent they are out of business with P&G and there is
11 no way back. So if on the initial audit the score is
12 below 50 percent that company is out of business with the
13 P&G, and keep that in mind, please, because it will
14 become very important when we come to the audit of
15 Practical Company in Bangkok, Thailand, which was from --
16 it was done on June 8 and 9, 2009.

17 Q. Let's go back to the C and D cell Daylite that
18 Practical was manufacturing. When do you claim that they
19 started to manufacture those?

20 A. Oh, this is also important for the story. They
21 were supposed to start that manufacturing in December.
22 People who designed that, the man who designed the
23 flashlights, two people, one is called Dave Mathieu --

24 Q. Can I interrupt you for a minute?

25 A. Yes.

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1 Q. Because I just asked a specific question and
2 you need to answer my question. I asked you when. I
3 didn't want the background. I just asked when. You need
4 to answer my questions. So can you tell me when they
5 started to manufacture the C and D cell Daylites?

6 A. They started to see people to discuss design in
7 summer of 2008. That's important because --

8 Q. It may be important to you, Mr. Cicvara. I'm
9 just here to ask you questions. You need to answer my
10 questions. My question was when they started to
11 manufacture, that's what I'd like to know. If you don't
12 know the answer, then just tell you don't know the
13 answer.

14 A. I know the answer. I just have to think about
15 that. They were promised to have it in December. They
16 started to -- the first run somewhere in -- I think in
17 March 2009, so it was the first run that was supposed to
18 be qualified because it has to be qualified before it
19 goes into manufacturing, and they manufactured the first
20 46,000 of flashlights in April and May 2009. The first
21 shipment of those flashlights -- do you want me to answer
22 this or it's not important?

23 Q. So they first manufactured 46,000 in April or
24 May of 2009; correct?

25 A. Yes.

1 Q. Okay. That was my question.

2 A. Okay. Should I go on with the shipment?

3 Q. No, because I didn't ask you yet about the
4 shipment.

5 A. Okay. Good. Okay.

6 Q. And those 46,000, they were C and D cell or
7 they were C cell or D cell or what were they?

8 A. They were only D cells.

9 Q. D cells. During the time that you worked at
10 the company up until -- let me go back. You were let go
11 from the company on June 15th, 2009?

12 A. Yeah, correct.

13 Q. Up until June 15th, 2009 did Practical
14 manufacture anything other than the D cell Daylites?

15 A. Yeah, Practical manufactured many other
16 flashlights for Duracell, but I don't know that there was
17 order placed; I don't recall that there was.

18 Q. You don't know if it was what?

19 A. I don't know that ordered -- that we ordered
20 any other flashlights at that point. I think that the
21 only big order we had was 46,000 D flashlights. They
22 were manufacturing flashlights for Duracell before, not
23 just -- this was a new product.

24 Q. I understand.

25 A. So, yeah, I remember we placed order for

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1 certain other types of flashlights to their Indonesia
2 facility, to their facility in Indonesia, where they
3 shipped that in July 2009 and they had problem with that
4 shipment, similar problem that they had with the shipment
5 of 46,000, which we never accepted.

6 Q. Let's just go through up to June 15th, 2009.
7 If I want to go past that date today I'll let you know,
8 okay?

9 A. Yeah.

10 Q. Okay. Because you don't have any idea what
11 happened, no personal knowledge of what happened at the
12 company after June 15th, 2009, do you?

13 A. I have a certain idea about certain things,
14 yes.

15 Q. Okay. But you weren't there anymore?

16 A. No, but I talked to people.

17 Q. And you claim that the 46,000 D cells that were
18 manufactured in April or May of 2006 -- or, pardon me,
19 2009 were not accepted?

20 A. No, they were not accepted because there was a
21 problem with them and the problem was that they used
22 pallets which were not approved for the ocean transfer,
23 they were very prone to get humidity in and that humidity
24 reflected very badly to the corrugated paper that these
25 flashlights were packaged in and they were put in the

1 container, because it was contained, humidity was
2 contained, those corrugated boxes got humid, then the
3 blister packs got humid and then it all fell to each
4 other, so when we opened up the container the flashlights
5 were not usable, you couldn't send them to the shelves,
6 so we sent that back to Practical, 46,000 flashlights.

7 Q. Okay. When is it --

8 A. They were not happy with that either.

9 Q. When do you claim that you sent those back?

10 A. Oh, somewhere in May we had made decision. I
11 don't know when they were physically sent back, but we
12 made decision we are not going to accept these
13 flashlights, so we didn't pay for that either.

14 Q. Who made that decision?

15 A. That decision was not made only by me. I was
16 part of the decision because I had quality assurance on
17 my -- as my responsibility, so as a quality assurance I
18 did make partially the decision, but the one who made
19 decision finally was probably Erik Lawson, who is
20 director of purchasing in Duracell.

21 Q. Did you yourself physically inspect the
22 flashlights?

23 A. No. No. The flashlights --

24 Q. Someone just reported to you?

25 A. Yeah, the flashlights were sent to some -- I

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1 believe it was in either Illinois or Indiana or somewhere
2 in the warehouse. So they were not accepted because they
3 were just not accepted in the warehouse because the
4 goods --

5 Q. It sounded like a packaging defect?

6 A. A packaging issue, yes. So 46,000 flashlights,
7 whatever, you know, that we paid Practical that's about
8 \$500,000 I believe, we didn't pay that and they had to,
9 you know, take them back and probably pay for the
10 shipping back too.

11 Q. Did you ever have any communication with
12 Mr. Yau about the rejection of that shipment?

13 A. No.

14 Q. Did you ever have any communication with Miss
15 Liu about that shipment?

16 A. Sure, yes. Miss Liu, she did call me and she
17 asked me to help her to push this through and to claim
18 that this was not quality issue, which I didn't want to
19 do. I did say straightforwardly that there is no doubt
20 that it's their responsibility, that our drawings for the
21 pallets, p-a-l-l-a-t-e-s I believe, maybe two t's, I'm
22 not sure, but pallets to be used are to be stamped for
23 the ocean transport and they didn't use the approved
24 pallets, they used some other pallets which I suppose
25 were much less -- less cost than the approved was, so in

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1 order to cut the cost they actually did big damage to
2 themselves and to Duracell as well.

3 Q. Other than you, are there any other people who
4 did quality assurance with respect to -- just with
5 respect to Practical as a contractor?

6 A. Yeah, I mean there was a group of people.
7 Austin Lin was one of the persons who actually was
8 inspecting their facilities initially in March, and I
9 would say at the end of February 2008 and in March 2008
10 he spent six or seven weeks in China. By the way, only
11 two weeks were supposed to be spent with regards to, as I
12 said one inspection is two days. He spent seven weeks in
13 China inspecting five or six facilities where he could
14 have spent two weeks.

15 Q. Okay. Let's just focus on my question. Who
16 were the other people who had responsibility with respect
17 to quality assurance concerning Practical?

18 A. Austin Lin was one of them. I can't recall the
19 name of the other employee, I'm sorry. Fernando, I
20 don't -- I can't recall his last name. But two employees
21 that were basically in that group before I came they were
22 actually involved in quality and any one of us could
23 perform the same function. So it could be Austin Lin, it
24 could be Fernando I'm not sure, and it could be me.

25 Q. When you went and did the audit you said in

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1 December of 2008 --

2 A. Yeah.

3 Q. -- were you alone or was there someone else
4 from P&G?

5 A. No, I was not the main auditor ever. I was --
6 I could audit, but I could audit only internally. So the
7 reason why I was accompanied -- I was always accompanying
8 other auditors, and the main auditor was Lori Leach,
9 L-o-r-i, L-e-a-c-h, Lori Leach, and she was actually
10 appointed as a P&G auditor for all Duracell contractors
11 until we audit all of them. So Lori Leach was always the
12 main auditor and she would be the one who would lead the
13 audit. I was there only to help her from the technical
14 point of view because her background was from the dog
15 food. You know, one of the things that P&G is involved
16 with, I think Iams, they bought that company, so she came
17 from that background. She was excellent QA auditor but
18 she didn't have technical knowledge about --

19 Q. With respect to flashlights?

20 A. With respect to flashlights and batteries. So
21 it was always somebody from our group would actually go
22 and accompany her because she lacked the technical
23 knowledge.

24 Q. Is there somebody named River?

25 A. River. Yes, the River was -- he was a Chinese

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1 person and he was also accompanying her sometimes, yes,
2 and he would accompany us or he was accompanying us on
3 the audit for Zhongshan factory, yes, because we didn't
4 know Chinese and sometimes it was important. So River
5 was supposed to be part of my group. As I said, I was
6 supposed to become section head and he was supposed to
7 report to me as well.

8 Q. Did Lori ever report to you?

9 A. No, no. Lori was independent. She came from
10 Ohio. Whenever she went to trips she lived in Ohio and
11 she's a P&G employee, not Duracell.

12 Q. All right. Did River ever report to you?

13 A. He was supposed to report to me, but no.

14 Q. No, no. Answer my question, sir.

15 A. No, he never reported to me, no.

16 Q. And how about Austin Lin?

17 A. Yes, Austin was reporting to me, yes.

18 Q. Did he report to you right up until the date of
19 your termination in June of 2009?

20 A. Yes, yes; correct.

21 Q. And how about a woman named Tanya?

22 A. Tanya was not reporting to me again. She was
23 supposed to, but, no. And she accompanied us on our
24 audits in China, on our last audit in Emerson,
25 E-m-e-r-s-o-n, factory in China.

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1 Q. And she was a quality assurance person as well?

2 A. Yes, and she was also inspector that we used
3 very heavily on inspecting flashlights, Daylite
4 flashlights especially, before the shipments are sent to
5 U.S.A., but she actually worked same as River, she worked
6 in Chinese Duracell factory.

7 Q. Now, the position that you held over the last
8 year of your employment as the QA manager reporting to
9 Kevin Babis --

10 A. Yes.

11 Q. -- would you consider that to be a very
12 important role for the company?

13 A. Yes, it was important. I wouldn't say very
14 important. It was important, yes.

15 Q. Okay. And in that role that you were the
16 Duracell face from a quality point of view to the
17 contractors?

18 A. Yeah.

19 Q. And you had interaction with the contractors;
20 right?

21 A. Yes, I had interactions with the contractors,
22 yes.

23 Q. On important quality issues?

24 A. On every quality issues, on each and every
25 quality issue, not just important or not important, every

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1 quality issue, starting with any document, with
2 everything that you can imagine from the quality point of
3 view, so yes.

4 Q. And your relationship with those contractors
5 was important for Duracell's business, right?

6 A. Yes. Yes, it was.

7 MR. CERASIA: Why don't we take a break
8 because there are some documents here that Mr. Cicvara
9 gave us that we have not seen before. They were never
10 produced to us. So I'd like to make copies of these. I
11 don't know if you want to look at them first. I don't
12 know if you've seen them.

13 MR. SIKORSKY: Yes, if you want to mark
14 them for identification.

15 THE VIDEOGRAPHER: Off the record at
16 10:52 a.m.

17 (Recess: 10:52 to 11:09 a.m.)

18 (Cicvara Exhibits 1 through 3: Described
19 in Index - marked for identification.)

20 THE VIDEOGRAPHER: On the record at 11:09
21 a.m.

22 BY MR. CERASIA:

23 Q. Mr. Cicvara, I'm going to show you what's been
24 marked as Cicvara Deposition Exhibits Numbers 1 and 2.
25 If you'd take a look at Exhibit 1, it's a document

1 entitled P&G Worldwide Business Conduct Manual Receipt
2 Confirmation.

3 A. Yes.

4 Q. And my question is, is that your signature
5 there?

6 A. Yes.

7 Q. Okay. And that's dated 12/12/2005; correct?

8 A. Yes.

9 Q. And the second document you have in front of
10 you is a copy of the Worldwide Business Conduct Manual.
11 Have you seen that document before?

12 A. Sure, I did, yes. I actually read it a couple
13 of times.

14 Q. You read it a couple of times?

15 A. Yes, trying to find certain things in it.

16 Q. Did you read it when you were employed with
17 Procter & Gamble?

18 A. Yeah. Everybody had to read it, so. This is
19 stating that I actually did read it.

20 Q. Why don't you take a look at the -- put Exhibit
21 1 to the side for a minute. Take a look at Exhibit 2.
22 If you go to at the bottom you'll see there's small
23 numbers in the bottom right-hand?

24 A. Yeah, sure.

25 Q. And I'll refer to those numbers so we know

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1 we're on the same page literally, okay?

2 A. Okay. Excellent.

3 Q. If you look at page 330, which is the letter to
4 Dear Fellow Employees.

5 A. Yes.

6 Q. If you look at paragraph 4, starting with the
7 sentence, P&G has been built through the character of its
8 people through generations.

9 A. Sure.

10 Q. Do you see that?

11 A. Yes.

12 Q. And then it refers to in our purpose, values
13 and principles; do you see that?

14 A. Yes.

15 Q. Have you heard of the PVPs before?

16 A. Yes, I did hear about that.

17 Q. Okay. I'm going to show you what's been marked
18 as Exhibit 3, which is a copy of the PVPs, and tell me if
19 you've seen that before, sir.

20 A. Yes, I've seen that before.

21 Q. And you saw that while you were employed by the
22 company?

23 A. I believe I did. I can't really recall that I
24 read it carefully, but, yes, I did see it.

25 Q. Go back to the letter I was reading from on

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1 Exhibit 2. Put Exhibit 3 just to the side for a minute.
2 So in that sentence it says, in our purpose, values and
3 principles and in how well we live them as individuals
4 and as a company, right, and then it says It is
5 consistent with our historic principle of doing the right
6 thing, period.

7 A. Yes.

8 Q. Integrity, trust and respect for others have
9 been fundamental P&G values since the company was founded
10 in 1837.

11 A. Yep.

12 Q. Did you understand that P&G lived by the PVPs?

13 A. Sure, and I actually lived by PVPs as well.

14 Q. And you believe that as a management level
15 employee of Procter & Gamble that it was important for
16 you to act with integrity?

17 A. Yes.

18 Q. So that the contractors and people with whom
19 you dealt trusted you; right?

20 A. Yes.

21 Q. And it was important for you as a manager of
22 the company to treat others with respect; right?

23 A. Yes.

24 Q. And you would have expected any employee to
25 report to you to also carry out those PVPs; right?

1 A. Yes.

2 Q. And that applied regardless of who you were
3 dealing with, right, whether it was a fellow employee of
4 Procter & Gamble or whether it was a supplier or a
5 contractor; right?

6 A. Sure. Yeah, I would agree with that.

7 Q. And do you believe that as a manager at P&G it
8 was your responsibility to be accountable for your own
9 actions?

10 A. And for the action of people who reports to me
11 too, very accountable.

12 Q. As a manager do you think it was appropriate
13 for the company to terminate the employment of
14 individuals who did not carry out the PVPs?

15 A. It depends. It depends of is the investigation
16 carried out in a proper way and if the person who would
17 be discharged was given the right or was given
18 opportunity to explain things, and if after that
19 explanation and he would be given an opportunity, the
20 people who are responsible for firing still think that
21 that's the right thing to do, yes, I would say that's the
22 right thing to do, yes.

23 Q. So if there was a determination, if you as a
24 manager determined that somebody violated the PVPs, you
25 think it would be appropriate for you to terminate their

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1 employment?

2 A. I would like you to be much more specific in
3 what you just said. What does it mean violate? I don't
4 understand that at all.

5 Q. Okay. That's fair enough.

6 A. Violation of PVP doesn't tell me anything, I'm
7 sorry.

8 Q. Okay. Why don't you look at the document
9 numbered Exhibit 2 on page PG 346.

10 A. 346, okay.

11 Q. It's section 6, called behavior in the
12 workplace.

13 A. Okay. Yep.

14 Q. Do you remember being familiar with this
15 harassment discrimination policy?

16 A. I don't really particularly remember that, but
17 I probably read it, yes.

18 Q. Did you understand as a management level
19 employee of Procter & Gamble that it was against company
20 policy to make sexual advances towards women?

21 A. I'm sorry, I don't understand that question.
22 Could you be more specific.

23 Q. Sure. Did you understand in your role as, for
24 example, QA manager --

25 A. Yes.

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1 Q. -- did you understand during the time that last
2 year you were employed that company policy prohibited you
3 from making sexual advances towards either female
4 customers or contractors or employees?

5 A. Yes, I understood that, yes.

6 Q. And did you understand that you could be fired
7 from Procter & Gamble if you in fact had made sexual
8 advances towards female contractors or employees?

9 A. It would depend on the circumstances I would
10 say.

11 Q. What do you mean by that?

12 A. I wouldn't say that straightforwardly if I made
13 any sexual advances to contractor that I would be fired.
14 I don't think that that's written anywhere in here. If
15 you find it you can read it to me. I would really
16 appreciate that.

17 Q. If you look at the summary of company policy
18 statement.

19 A. Where is the summary?

20 Q. That's on this page that you're looking at.

21 A. Okay.

22 Q. It's on the left-hand side.

23 A. Okay.

24 Q. It says the company's fundamental position is
25 that all employees should treat their colleagues with

1 respect.

2 A. Yes.

3 Q. You agree with that; right?

4 A. Yes, I would agree with that.

5 Q. And then it says the company will not engage or
6 authorize its employees to engage in discrimination or
7 harassment.

8 A. Yes.

9 Q. You agree with that too; correct?

10 A. Yes, I would, yes.

11 Q. Okay. And now if you look at the second column
12 it says what are some situations that raise concerns; do
13 you see that?

14 A. Yes.

15 Q. Okay. In the second bullet point it says a
16 woman is made uncomfortable when subjected to sexually
17 offensive jokes and/or comments by her male co-workers,
18 possible harassment; do you see that?

19 A. Yeah, I see it. Possible harassment, yeah.

20 Q. And you would agree that that would raise
21 concerns; correct?

22 A. Yes, sure.

23 Q. And then below that it says what are the
24 Worldwide Business Conduct Standards; right?

25 A. Uh-huh.

1 Q. And then in parentheses it says what do I need
2 to do or refrain from doing?

3 A. Yes.

4 Q. It's kind of a guide to you, right, as an
5 employee?

6 A. Oh, sure, and I would strongly agree that's a
7 guide, yes.

8 Q. And it says one of the things don't engage in
9 discrimination or harassment?

10 A. Agreed, yeah.

11 Q. Did you understand under the company's policy
12 in its Worldwide Business Conduct Manual that if you made
13 an unwelcomed sexual advance towards a contractor that
14 that would be a violation of the policy?

15 A. Yes, if I made unwelcomed sexual advances to
16 the contractor it would be violation of this policy, yes,
17 I do agree with that wholeheartedly.

18 Q. And you would agree with me that that would be
19 serious misconduct; right?

20 A. That would be a serious misconduct if I had
21 done that, yes. If I harassed a contractor it would be a
22 serious misconduct, I would agree with that, yes.

23 Q. And would you agree that that would be -- that
24 kind of conduct would be something that could injure the
25 company's relationship with the employee of that

1 contractor?

2 A. Well, it would depend on the circumstances.

3 Q. But it could; right?

4 A. Yeah, it could, I agree, it could, but it would
5 depend on the circumstances as I said.

6 Q. Sure. But would you agree with me that in your
7 position as a quality assurance that the contractors that
8 you dealt with it was important for you to establish a
9 trusting relationship with them on a business point of
10 view?

11 A. Oh, yes, I would agree, yes.

12 Q. And that if they didn't trust you as a quality
13 assurance manager that that would have a negative impact
14 on Duracell's business?

15 A. Sure, I would agree with that.

16 Q. And vice versa?

17 A. And vice versa, yes, I would agree with that,
18 yes.

19 Q. Because Duracell needed those contractors in
20 order to help it make a profit; right?

21 A. Absolutely. Absolutely.

22 Q. So --

23 A. Duracell needed those contractors, yes. Don't
24 forget, though, that Duracell had many contractors and
25 some of them didn't like position that they were in, so

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1 what I'm saying is Duracell didn't depend on contractors
2 to the point that it will affect their business at any
3 point. Duracell always had very smart policy about
4 contractors and never put their eggs in one basket. It
5 means like even if they lost Practical, even if they lost
6 Practical completely, it wouldn't affect that business at
7 all, because there was other -- there were other
8 companies that could have done the same thing as
9 Practical and they already had tools to do the same thing
10 as Practical. I'm just saying that's --

11 Q. That's your opinion?

12 A. No. That's my statement, and that's not
13 hypothetical, that's true.

14 Q. Well, you don't know it's true because during
15 the time that you were at the company it never severed
16 its relationship with Practical?

17 A. No, no. I don't even know what happened with
18 Practical. I'm just saying it is true, because of the
19 facts that I know about the equipment that is in
20 possession of certain other companies that they can do
21 things that Practical could do, but nevertheless I agree
22 with what you said, yes.

23 Q. And it was also important for Duracell to
24 protect its reputation with contractors; correct?

25 A. Correct, yes, and especially reputation as

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1 being very straightforward with the things that were
2 performed in auditing, so that if the company A were
3 audited and company A had 60 then you would say company B
4 if it had 60 you would expect more or less the same
5 circumstances as the company A had. So if B and A had
6 the same score you would expect that those two companies
7 are equitable. It's very important.

8 Q. As far as Duracell's reputation, it obviously
9 can only impact its reputation through its managers like
10 yourself; right?

11 A. Yeah, through every employee, not just
12 managers.

13 Q. Right, I understand.

14 A. Yes.

15 Q. But you as a manager, let's just focus on you
16 for a minute, your conduct impacted Duracell's
17 reputation, whether negative or positive; correct?

18 A. Yes.

19 Q. All right. So that your -- what you wanted to
20 do is you -- your charge from the company, so to speak --

21 A. Yes.

22 Q. -- was to act in accordance with its PVPs so
23 that you would enhance its reputation in the industry;
24 correct?

25 A. Correct, yes, and I actually did act in

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1 accordance to PVP, and because I acted in accordance to
2 PVP I actually paid the consequences dearly, and I'll try
3 to explain that when the time comes.

4 MR. CERASIA: Mark this as Exhibit 4
5 please.

6 [Cicvara Exhibit 4: Job description -
7 marked for identification.]

8 Q. You can give me back Exhibit 2 for now.

9 A. This too?

10 Q. No, no. I'm going to have you hold that right
11 now. I have a couple questions about Exhibit 3. So
12 you're on the page marked with 181; correct?

13 A. Yes.

14 Q. Okay. And this is of Exhibit 3, the values,
15 and it lists five values here; correct?

16 A. Yes.

17 Q. Integrity, leadership --

18 A. Yes.

19 Q. -- ownership, passion for winning, and trust;
20 right?

21 A. Yes.

22 Q. And it was your responsibility as an employee
23 of Procter & Gamble --

24 A. Yes.

25 Q. -- to live by these five principles?

1 A. Yeah, true.

2 Q. No question about it; right?

3 A. No question about it.

4 Q. And you were judged in your performance on
5 whether or not you lived by these principles and values;
6 right?

7 A. I wish I was. I wish I was.

8 Q. You don't believe you were?

9 A. No. I was until certain date in time and then
10 I was not, yes, especially when I was Manager of OEM
11 Business Services when Mani Parmar was my boss. So I
12 wish I was, yes.

13 Q. Right now I just want to focus on the last year
14 of your employment, okay, and if I'm interested in any
15 other aspects of your employment we'll go back to it by
16 date, all right, but I'm just interested about whether
17 when you were a quality assurance manager reporting to
18 Kevin.

19 A. Okay.

20 Q. Okay?

21 A. Good.

22 Q. All right.

23 A. I'll try not to go there too much, but if I
24 need to explain something I'll probably go there.

25 Q. You understood that as a quality manager that

1 you were always supposed to try to do the right thing;
2 correct?

3 A. Yes, which I always did.

4 Q. And that you knew that you had to be honest and
5 straightforward in your dealings with contractors?

6 A. Yes.

7 Q. And that you had to respect the employees of
8 those contractors with whom you dealt; right?

9 A. Sure, I understand that.

10 Q. And that you were held personally accountable
11 for your conduct towards those employees of contractors;
12 correct?

13 A. Yes.

14 Q. Why don't you take a look at what's been
15 marked as Cicvara Exhibit 4 --

16 A. Yeah, okay.

17 Q. -- which is a job description.

18 A. This description was just for the few months.

19 Q. This was the job description you had when you
20 reported to Harley Ballew?

21 A. Yes.

22 Q. And it was for the time period of roughly you
23 thought from March -- or, excuse me, April 1 until --

24 A. July probably.

25 Q. July of 2008?

1 A. Yes. Just to be -- I don't even know, but just
2 to be straight.

3 Q. Roughly about that time period?

4 A. Roughly, yes.

5 Q. I understand that it's your best guess. Did
6 your job duties when you became a quality assurance
7 manager change at all from this job?

8 A. Yes. Yes. They changed considerably, because
9 I got two employees who are reporting to me. Before this
10 Austin Lin was not a person who reported to me, he was a
11 person who reported to Harley. Francisco Restrepo was
12 the other which I couldn't remember. So Francisco,
13 F-r -- Francisco is Francisco. Restrepo is
14 R-e-s-t-r-e-p-o. Okay.

15 Q. So Francisco and Austin started reporting to
16 you when you became a quality assurance manager?

17 A. Yes.

18 Q. So they reported to you roughly your last 11
19 months of employment at Procter & Gamble?

20 A. Roughly, yes, you're right.

21 Q. Okay.

22 A. And they brought certain things with them which
23 they used to do before which I couldn't agree with, which
24 particularly affected Austin Lin very heavily.

25 Q. Okay. Why don't you look at qualification

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1 number 6 on Exhibit 4 right on the first page right at
2 the bottom.

3 A. Okay. It says -- could I read that?

4 Q. You can read it to yourself right now.

5 A. Okay, excellent.

6 Q. Tell me when you're done. You should read
7 anything I give you.

8 A. Okay. Thank you. Yes.

9 Q. So job qualification number 6, which refers to
10 the P&G Worldwide Business Conduct Manual?

11 A. Correct.

12 Q. Do you believe that that was one of your job
13 qualifications when you were --

14 A. Sure.

15 Q. You've got to let me finish.

16 A. Yeah, I believe that was.

17 Q. You've got to let me finish. Do you believe it
18 was one of your job qualifications when you were a
19 quality manager from July of 2008 through June 15th,
20 2009?

21 A. Yes. It was my duty to do according to this
22 not only from July to June 2009, but I would say
23 throughout my employment. So that is nothing new there.

24 Q. So job qualification 6 applied to every
25 position you held at the company?

1 A. Yes, every position, and not only me but every
2 employee.

3 Q. I understand.

4 A. So if I find that employees who are not doing
5 their job according to this, it's my duty to report that
6 too, which I did.

7 Q. Can you give me Exhibits 3 and 4.

8 A. Yes.

9 Q. I'm done with those for now.

10 A. Sure (handing.) Okay.

11 Q. I just want to make sure that, you know, you
12 don't leave home with them, it's a holiday present or
13 something.

14 A. Yeah, I have that at home. Don't worry about
15 that.

16 Q. When did you first meet Bel?

17 A. You mean first -- I think in September 2008
18 when Practical visited Duracell with respect to Daylite
19 development.

20 Q. Right. And when I refer to Bel, you understand
21 I'm speaking about Bel you pronounce her name Liu?

22 A. Yes.

23 Q. L-i-u?

24 A. L-i-u, yes.

25 Q. I'll refer to her as Bel, though, okay?

1 A. Okay.

2 Q. All right. So you first met her in September
3 of '08 when she came to Bethel, Connecticut?

4 A. Yes.

5 Q. Between September of '08, counting that trip,
6 until your last day of employment on June 15th of 2009,
7 how many times did you -- how many different trips did
8 you see Bel on?

9 A. Two.

10 Q. Two?

11 A. Yes.

12 Q. When else, other than September of '08 when was
13 the next time?

14 A. The next time was December 2008 in China and
15 then it was June 2009 first in Indonesia and then in
16 Thailand.

17 Q. So you saw her a total of three times?

18 A. Yes.

19 Q. Three different times?

20 A. Three times, yes.

21 Q. Multiple-day trips some of them; right?

22 A. Correct, yes.

23 Q. And what was her role within Practical as you
24 understood it?

25 A. That was, as I understood she was general

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1 manager of Practical, and if I'm not mistaken she became
2 vice president of Practical recently, but I'm not sure.

3 Q. So while you knew her during that, you know,
4 eight, nine month period she was a general manager at
5 Practical?

6 A. Yes, she was general manager at Practical.

7 Q. Do you know what her job responsibilities
8 entailed?

9 A. She was always in contact with design people in
10 Duracell, with marketing people in Duracell, with program
11 management in Duracell, with purchasing people in
12 Duracell, with QA people in Duracell. So she was
13 basically in contact with everybody in Duracell,
14 everybody, very, very -- position which entailed many,
15 many different venues, and she was very strongly aligned
16 with Austin Lin.

17 Q. What do you mean by strongly aligned?

18 A. I mean that during the course of 18 months that
19 I was without work, since I was fired, I learned a lot of
20 things about Austin Lin and Bel Liu, but I actually
21 noticed things even before that.

22 So, for example, in September when she visited
23 Duracell she -- Austin Lin was not there, he had to go
24 somewhere, but she told me that Austin bought a bag for
25 her and that he told her that I will show her how to come

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1 to his office to pick up the bag. So she went in and
2 she -- I actually showed her the way and she picked up
3 the bag. In the meantime she told me that Austin is very
4 good friend of her, and she told me that repeatedly,
5 many, many times. She had a relationship with Austin
6 Lin, a relationship. I'm not sure what the level of that
7 relationship was, but it was certainly stronger than
8 relationship that she had with me. And there are
9 witnesses who could say that in summer 2008 Bel Liu tried
10 to seduce Dave Mathieu and in those attempts to seduce
11 Dave Mathieu she actually showed him very -- I don't know
12 how to say that politely, but raunchy e-mails from Austin
13 Lin that she received and she showed them to Dave trying
14 to make him jealous, and there are witnesses who can say
15 that, including Dave Mathieu, who was the one who was
16 object of her intense desire to have a relationship with
17 him.

18 That's about -- what I know about Bel Liu is
19 that she is a very complex person. She had relationship
20 with Austin Lin, she wanted to have a relationship with
21 Dave Mathieu, but then Brian Hesse, H-e-s-s-e, who was in
22 contact with Dave and who was in charge of Daylite design
23 program advised Dave not to get into relationship with
24 Bel because his opinion about Bel was that she wants to
25 control people in Duracell so that they have control of

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1 Practical business with Duracell through the people that
2 she's interacted with.

3 Q. Do you claim that Brian ever told you that?

4 A. Yes, he told me that, and he's ready to testify
5 about that, and he also saw the e-mails from Austin Lin
6 sent to Bel Liu. And about Austin I have to tell you
7 something. Austin, and you probably know because I
8 noticed you are laughing --

9 Q. I'm not laughing, sir.

10 A. You were, you know, grimacing.

11 Q. Okay, whatever.

12 A. Whatever, yeah, I would say so. But Austin Lin
13 lied on his expense report to the company when he went in
14 China and Korea in March and April 2009. He went to
15 Seoul, Korea, and he spent seven days there for a meeting
16 that lasted one hour, and the reason why he did that is
17 that he had a girlfriend, his girlfriend lives, she lives
18 in Seoul, in Korea, and he spent seven days with her on
19 account of the company. He also spent four days a week
20 before that, after they finished their work in Fushun, in
21 China, and I don't know how to spell that correctly but
22 that's where the Nanfu factory is which is owned by
23 Duracell, he spent last four days there in a resort,
24 hotel, you know, resort in China, paid for by P&G, and
25 seven days after that in Seoul paid for by P&G.

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1 I caught him lying on his expense report.
2 Kevin Babis knows about this. My big mistake was I
3 didn't go to human resources to tell them about this, I
4 went to my boss, who was Kevin Babis and told him, look,
5 we have a problem with this guy, and then we resolved the
6 problem eye to eye with Austin Lin, and he actually
7 admitted to whatever he was doing, he took some days
8 vacation, Kevin Babis, you know, said we will give you
9 two or three days, it doesn't matter, you had a tough
10 assignment in Nanfu, which is true, and he didn't like me
11 after that at all, so this might play a little bit of
12 what happened after that.

13 And by the way, I want to tell this because
14 it's important. Please let me finish.

15 Q. No, no. There's no question pending, sir.

16 A. Oh, I'm sorry. We will come to that at some
17 point, so then I'll tell you. Just go on.

18 Q. All right. Other than seeing Miss Liu on three
19 separate trips or occasions that you've identified,
20 September and December 2008, June 2009, did you speak
21 with her on the phone?

22 A. Oh, sure, yes.

23 Q. Regularly?

24 A. No, no, no, we never spoke regularly on the
25 phone. I spoke to her on the phone when she asked me to

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1 help her about that case when the shipment was rejected.
2 She directly asked me to try to help her with that, and I
3 said, look, it is my position as a QA manager of P&G that
4 this is very straightforward and it is -- the one who is
5 responsible is Practical and you guys will have to
6 have -- you know, to brunt the consequences for that.

7 She also called me from Spain, I believe it was
8 January 22, and I know for sure it was January 22 because
9 on that record I found that I called her BlackBerry, she
10 just got BlackBerry and she was very excited about that
11 and she wanted to try it, so she called me from the
12 normal phone to my office phone asking me to call her in
13 Spain on the BlackBerry number, which I did, just to try
14 the number, and by the way she was in Spain on the trip
15 and she asked me if I can help her with that. Do you
16 want me to continue or you want me to answer the
17 question?

18 Q. Well, number one, I just want you to answer the
19 question, but you've identified January 22, I assume
20 that's 2009?

21 A. Yes.

22 Q. Because before September of 2008 you didn't
23 know Bel, did you?

24 A. No. Maybe I did know Bel as a person in
25 Practical, maybe we exchanged some e-mail messages about

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1 quality assurance, the requirements which I sent
2 regularly to everybody. In that sense, yes, but not in
3 person. So first time I saw Bel was in September 2008,
4 yes.

5 Q. Okay. Between September of 2008 and the next
6 time you saw her in December of 2008 when you saw her in
7 China, did you have any phone contact with her then?

8 A. No, not phone contact, just e-mails, and
9 e-mails were going back and forth about when are we going
10 to come to audit Zhongshan factory, and that was just
11 part of the trip where we were actually auditing five
12 companies within a span of probably from Monday through
13 Friday, so 13 or 12 days in China.

14 Q. Okay. There were e-mails of a business nature
15 between September and December of 2008; right?

16 A. Yes.

17 Q. Okay. And how about between the trip in China
18 and January 22nd, 2009, did you have any phone calls with
19 Bel?

20 A. I didn't have any phone calls. I had a lot of
21 e-mails because she sent e-mails to me.

22 Q. Okay. Hold on. Just answer my question. My
23 question dealt with phone calls, okay?

24 A. No, I didn't have any phone calls I'm pretty
25 sure. Oh, there were phone calls in December, yes, but

1 not after that.

2 Q. Okay. Well, I'm asking once you left the China
3 trip in December of '08 and January 22 of 2009 if there
4 were any phone calls.

5 A. No, not that -- I can't recall that, no.

6 Q. Okay. Let's go back to the January 22, 2009
7 call.

8 A. Yes.

9 Q. So did you call her to see if her new
10 BlackBerry would work?

11 A. Yes.

12 Q. Did you have a conversation with her then?

13 A. Yeah, I had a conversation about how are you
14 doing and what were you doing. I believe they were in
15 Barcelona, and since I was in Barcelona I think I asked
16 her if they've seen Sagrada Familia or some other stuff
17 there, you know, like Casa Mila or some other things that
18 Gaudi did. K-a-u-d-i, that's an architect in Spain.

19 Q. How long did that conversation last?

20 A. I don't know. A few minutes. It was just to
21 check, nothing else. And I was very surprised --

22 Q. Okay, I don't have any questions pending, okay?

23 A. Okay. We'll come to it.

24 Q. And then you said that there was a conversation
25 that you had with her in May of '09 that dealt with the

1 rejected shipments as a result of the poor packaging?

2 A. Correct; yes.

3 Q. Okay. Let's talk between January 22nd, 2009
4 and the conversation you had with her in May, do you
5 recall any phone calls with her during that time?

6 A. No, I don't. It's possible, but I don't
7 recall, and even if it was, it was business, and I don't
8 recall I actually had, but there were many, many e-mails,
9 many e-mails going back and forth, especially from her,
10 especially from Spain, many e-mails in March about her
11 buying a motorcycle and trying to ask me to get her -- is
12 she going to buy black or white or red, many e-mails
13 about certain gentleman who broke her heart, older
14 gentleman who promised to her that he's going to bring
15 her to United States with him and then he dumped her for
16 his girlfriend which actually later on became his wife.
17 She never told me she's married and it seems that her
18 trip to Spain was actually her wedding trip. Never told
19 me she was with her husband. In December she told me she
20 was not married and she actually married in December. I
21 learned that later. And she married because her boss
22 told her to marry in order to prevent the rumors between
23 her and her boss. That's her word, and I'm under oath.

24 Q. You claim she told you that?

25 A. Yes, she told me that. Her boss told her to

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1 marry her husband. She didn't like her husband, she just
2 married him.

3 Q. Who do you claim her boss was?

4 A. Her boss is Andrew Yau.

5 Q. Andrew Yau?

6 A. Andrew Y-a-o or u, I'm not sure. I'm not sure.

7 I think it's u. That's kind of weird, isn't it? Oh, by
8 the way, she also asked me --

9 Q. There's no question pending.

10 A. Yeah. I'm trying to explain about her
11 character.

12 Q. Yeah, I understand, but, you know --

13 A. I think it's very important for the story.

14 Q. Mr. Cicvara, let me explain something.

15 A. Yes.

16 Q. Did you ever get invited to a party?

17 A. Oh, yeah.

18 Q. Okay. And you go to somebody's house for a
19 party, right?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes.

23 Q. Okay. And the host throws the party?

24 A. Sure.

25 Q. Decides what drinks to give, what food to

1 provide; correct?

2 A. Yeah, yeah.

3 Q. You don't tell them what drinks to provide,
4 what food to provide?

5 A. Oh, if I like certain drinks I would tell them.

6 Q. Beforehand?

7 A. I would tell them, you know, I like this
8 particular wine, if you have it I would be really happy.

9 Q. Okay. I get that. You know, today I'm taking
10 your deposition, it's like my party.

11 A. Oh, I'm sorry, I didn't catch it. Okay.

12 Q. I get to ask the questions that I want to ask.
13 You may not like my questions, you might think I should
14 ask you other questions, but it's my prerogative.

15 A. Oh.

16 Q. Okay? So I'm going to ask you the questions, I
17 want you to answer them, because the more and more you
18 just keep speaking the longer we're going to be here.

19 A. I don't mind. I thought --

20 Q. You may not mind --

21 A. I thought --

22 Q. Excuse me. I'm not done, sir.

23 A. I thought the issue here is to learn the truth,
24 isn't it?

25 Q. Okay. I'm going to ask you the questions,

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1 you're going to answer them. I don't want you to keep
2 going on and talking about other things that you think
3 are important.

4 A. Why?

5 Q. Because that's not what we're doing here today.
6 You're here to answer my questions.

7 A. Oh, I'm really sorry. I thought we are here to
8 learn the truth about the case.

9 MR. SIKORSKY: Just for the record let me
10 say --

11 Q. I do want you to testify to the truth, but
12 you're answering my questions, you're not just here to
13 give a speech and a narrative, okay?

14 A. Okay.

15 MR. SIKORSKY: But I would want to make
16 it clear that I listened carefully to the responses of my
17 client, I think the questions are very frequently
18 open-ended, for example on the whole relationship with B,
19 you asked general questions and he's tried to be as
20 honest as he could about answering them.

21 MR. CERASIA: I haven't said anything
22 about his honesty. I just want him to answer my
23 questions.

24 MR. SIKORSKY: All right. He will do
25 that, but he will also answer them as completely as

1 they're called for.

2 MR. CERASIA: Many of them call for
3 one-word answers, yes or no, and he goes on for two
4 pages, so I don't think it's necessary.

5 A. Well, I'm really sorry. I think this is the
6 time to tell the truth about this. You know, I didn't
7 have time to tell the truth in ten minutes interrogation
8 that was done on June 15th.

9 Q. Okay. There's no question, Mr. Cicvara, okay?

10 A. Okay.

11 Q. On the trip -- or, excuse me, the time that you
12 saw Bel Liu in September of 2008, did you ever kiss her?

13 A. No.

14 Q. Did you ever hug her?

15 A. No.

16 Q. How about in December when you saw her in
17 China, did you ever kiss her?

18 A. No.

19 Q. Or did you ever hug her?

20 A. No.

21 Q. How about when you saw her in June of 2009, did
22 you ever hug her?

23 A. Well, I hugged her when I saw her in the
24 airport like I hug the other people as well, hi, how are
25 you, yes, I did.

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1 Q. You only hugged her once?

2 A. No. I hugged her many times and she hugged me
3 too.

4 Q. Okay. Did you ever kiss her --

5 A. No.

6 Q. -- on the trip -- excuse me. You've got to let
7 me finish. Remember we had that rule from the beginning?

8 A. You said did I ever kiss her.

9 Q. Excuse me. I didn't finish.

10 A. My answer is no.

11 Q. You didn't let me finish.

12 A. I'm sorry. Then finish.

13 Q. My question was going to be, you might have
14 anticipated it, as I told you at the beginning of the
15 deposition you would, but my question was on the trip in
16 June of 2009 did you ever kiss her?

17 A. No.

18 Q. Did you ever try to kiss her on the trip in
19 June of 2009?

20 A. No. I have never tried to kiss her on my trip
21 in June 2009, and I have very specific reasons for why I
22 didn't try to kiss her. Do you want to hear the reason
23 or it's enough to say no?

24 Q. I haven't asked you any more questions.

25 A. Okay.

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1 Q. How many times do you claim that you hugged her
2 on the trip in June of 2009?

3 A. I don't know. I can't claim. Maybe two or
4 three times. She hugged me. She put her hand on my
5 thigh when we were driving in the SUV in Indonesia. Then
6 she told me you don't like Austin, do you?

7 Q. Don't like what?

8 A. You don't like Austin, do you? And I said why
9 would you say that? And she said he told me that, you
10 don't like him, do you?

11 Q. What was your response?

12 A. I said we had our, you know, disagreement on
13 certain issues, but I like Austin as much as anybody else
14 in the company. So I was trying to be, you know, polite
15 and give her a polite answer about that.

16 Oh, by the way, that thing about Austin, he
17 also wanted to --

18 Q. There's no question.

19 A. Okay. Sorry. I just tried to put things into
20 perspective.

21 Q. No question. When you hugged Bel on the trip
22 in June of 2009 was there anybody present when you hugged
23 her?

24 A. I don't recall. I don't think there was
25 anybody present when I hugged her, no.

1 Q. One time --

2 A. Except that time at the airport.

3 Q. So one time was at the airport?

4 A. Yeah.

5 Q. And where were the -- what were the other
6 times?

7 A. Well, the other times were on June 8th in the
8 room, you know, in that room.

9 Q. When you say in that room, you're referring to
10 her hotel room?

11 A. Yes, to the hotel room where she invited me to
12 come. This is very important. I would like you to put
13 that in. She invited me to come to the room.

14 Q. Did you ever -- when you hugged her did you
15 ever put your hands on her body other than her back?

16 A. No. No, I never touched her body. I never
17 touched her breasts, if you mean that. I never touched
18 any part of her body which would be considered private,
19 never. I touched her back, I touched her legs, I
20 massaged her feet for a while, which I'm actually ashamed
21 of doing because I usually do that to my wife, ashamed of
22 doing now, but I never touched her body in a sexual
23 sense, never.

24 Q. Why did you massage her legs and her feet?

25 A. Because she told me that she felt bad, that she

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1 felt -- she didn't feel good, and when I came to her
2 room --

3 Q. Was that in her room?

4 A. Yes. When I came to her room, she opened up
5 dressed very inappropriately. When I say that I mean she
6 was dressed nearly undressed and it was very, very
7 unusual because I was before in her room and she would
8 never be dressed like that, especially when she called me
9 to come.

10 Q. Okay. What do you mean by she was dressed
11 inappropriately?

12 A. She was dressed in shorts which was very, very
13 short, very, very short, naked legs, dressed in a blouse
14 which was white, clear basically, nearly clear, so you
15 would -- you know, you would kind of see her through it,
16 and I was very surprised because the reason I actually
17 asked her can I come to your room to have dessert with
18 you, before that we had dinner and after dinner there was
19 a special dessert brought to each of us which was mango
20 with rice, which was very special, which was special
21 dessert for Thailand. I sent text message to her asking
22 her I would like to come to your room to have dessert
23 with you. The second text message was I don't want you
24 to come, I'm tired. The third was, okay, I accept that,
25 from me. The fourth was I changed my mind, you can come

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1 to my room. And the fifth was, okay, I'm coming. All of
2 that within a span of five minutes and all of that I gave
3 you the proof on that -- those two pages of text
4 messaging.

5 Just for the record it says that all messages
6 are outgoing there, but there is a technical explanation
7 about that, which is -- oh, I think it's very important.
8 Again you can laugh.

9 Q. I'm smiling because, you know what, you're
10 going on and on and on. I can't even get a question in.
11 You're talking about subject matters that --

12 A. You know why I'm going on and on and on,
13 because I was told --

14 Q. Excuse me.

15 A. -- that I came to her room unannounced, which
16 is not true, and I felt very strongly about that.

17 Q. I'm asking you very simple questions and you're
18 going on to talk about -- giving answers to questions I
19 never even asked. So here's my question --

20 A. But it's very important.

21 Q. It might be important, and I never said we
22 won't get to it, but can you please just answer the
23 question?

24 A. I'll try to. Sorry.

25 Q. All you just talked about, the exchange back

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1 and forth by text messages, was this June 8th, 2009 that
2 you're referring to?

3 A. Yes, it was June 8th, 2009 between 8 -- I would
4 say 8:50 p.m. Thailand time and 9:05 p.m. Thailand time,
5 so in the span of five or ten minutes. That time,
6 Pacific Time is between 7:00 something a.m. I'm telling
7 that because everything that you have, all the trace of
8 records that you have, phone records, are Pacific Time
9 U.S.A. and there is a 14 hours difference. It's not that
10 easy to decipher. It's very important, though.

11 Q. And when you said you massaged her feet and her
12 legs, that was on June 8th, 2009?

13 A. Yes.

14 Q. Is that the only time that you claim that you
15 touched her other than hugging her?

16 A. Yes.

17 Q. You never touched her any other time?

18 A. No, not in that sense, no.

19 Q. Did she ask you to massage her feet?

20 A. She didn't object.

21 Q. Did she ask you to massage her feet?

22 A. No.

23 Q. Did she ask you to massage her legs?

24 A. I didn't massage her legs, just her back. I'm
25 sorry.

1 Q. I think you testified that you massaged her
2 feet and her legs.

3 A. I didn't massage her legs. I massaged her feet
4 and back.

5 Q. And her back?

6 A. Yeah.

7 Q. Did she ask you to massage her back?

8 A. She didn't ask me to massage anything, but --

9 Q. You just -- so you did it on your own?

10 A. Yes, I did it on my own, yes.

11 Q. Okay. And do you think it was appropriate for
12 you as a quality manager to massage the feet of a general
13 manager for a contractor?

14 A. In the circumstances that we were on, yes, in
15 the circumstances that we were on I would say that,
16 because she did -- as I said she touched my leg when we
17 were driving in the SUV in Indonesia.

18 Q. You said she touched your tie.

19 A. (Indicating.)

20 Q. Oh, your thigh?

21 A. Thigh, not this tie (indicating). She put her
22 hand on my thigh. She was sitting in front. I was
23 sitting in back. She put it and she actually did grab my
24 thigh, and the man who was next to me who was auditor in
25 Indonesia, Dave Arnsperger -- girl, I'm not sure how to

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1 spell it, I'll try to spell it if it's important -- he
2 might have seen that and he didn't say anything, he was
3 polite.

4 Q. You don't know if he saw it?

5 A. I don't -- I think he saw it, he just was
6 pretending that he don't see it.

7 Q. Did you ask him if he saw it?

8 A. No, I didn't, I didn't. I made the mistake of
9 not evidencing certain things.

10 Q. How many days before you decided to massage her
11 feet and her back do you claim that she touched your
12 thigh?

13 A. I'll tell you exactly the dates. Just let me
14 think about that. I started in Indonesia on some other
15 company and I started it on Tuesday, January 2nd I
16 believe, so January 2nd -- no, June 2nd and June 3rd,
17 2009 I was in that other company in Indonesia, then we
18 flown to Medan, Indonesia, so I think it was -- it was
19 Thursday June 4th or 5th, I don't know.

20 Q. So three or four days before you massaged her
21 feet and her back you claim she touched your thigh?

22 A. Yes, and she put her head here (indicating),
23 she leaned on me when we were driving in taxi in
24 Singapore. She did many, many things that were kind of
25 like this is allowed between us. Also she claimed I

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1 actually held her hand, you can read that in her
2 statement, she actually held my hand when we were coming
3 out and then she let it go and then she --

4 Q. Let's try to focus day by day, okay?

5 A. Okay.

6 Q. Because you're going all over the place.

7 A. Okay. Good. We'll try to focus.

8 Q. So between June 4th or 5th and June 8th was
9 there any kind of physical touching between the two of
10 you?

11 A. Physically just what I explained right now.

12 Q. Her hand on your thigh?

13 A. Her hand on my thigh, her head on my shoulder
14 (indicating), leaning on me in taxi.

15 Q. Was anybody else in the taxi or just the two of
16 you?

17 A. No. Just the two of us.

18 Q. Where were you going or coming from?

19 A. It was in the taxi in Singapore. That was not
20 in Indonesia. That was when we were coming from the
21 airport to Singapore and it was when we were leaving
22 Singapore as well. It was in the plane from Medan,
23 Indonesia to Singapore as well.

24 Q. She put her head on your shoulders?

25 A. Yes, she did.

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1 Q. Did you ever tell her not to do that?

2 A. No, I didn't.

3 Q. Why not?

4 A. Because, as I said, there were exchanges of
5 numerous e-mails where, you know, I came to basically
6 become close to her through those e-mails and I would say
7 it was mostly on her part, I never, you know, went into
8 the intimate details about my life but she went into
9 intimate details about her life. As I said, she did say
10 in her e-mails that there was an older gentleman she had
11 a relationship with that broke her heart in March. She
12 did say in e-mail that she went to Rod Stewart concert in
13 Hong Kong in March. She did ask me about what kind of
14 motorcycle should I buy, this or that, she sent me a
15 picture of that. She sent me a picture with Brian Hesse
16 and Dave Mathieu and her being on the resort in Thailand
17 in summer 2008 when she proposed to me, when I said I
18 will have to schedule the audit of Practical in Thailand,
19 she said when we finish audit I offer you a weekend in a
20 resort in Thailand, which I didn't know what to do with
21 that, I didn't even know how to tell my wife, should I
22 tell her, how to explain that I'm staying a weekend
23 after. I didn't ever respond to that e-mail because I
24 didn't know what to respond. It was very unusual to me
25 that somebody is offering that, like we can spend

1 weekend.

2 Q. But you didn't stay away from her, what you did
3 was you then went to her room four days later and you
4 rubbed her feet and her back, right?

5 A. No, I didn't. Yes, I didn't stay away from
6 her, and that was --

7 Q. Why not?

8 A. Because I -- basically to a point I believe I
9 was attracted to her, yes, and she actually played the
10 attraction card with me pretty strongly.

11 Q. So you wanted to have a relationship with her
12 that was other than business, right?

13 A. I am not sure that that's a correct statement.

14 Q. Let me ask you this, Mr. Cicvara. You had been
15 employed at that point for about eight-plus years by
16 Procter & Gamble; correct?

17 A. Yes.

18 Q. Had you ever had any occasion prior to then
19 where you would give a massage either on the feet or the
20 back to any other contractor or supplier or employee of
21 Procter & Gamble?

22 A. No. No.

23 Q. Okay. So this was -- according to you this is
24 the first time that you ever engaged in that kind of
25 conduct?

1 A. Yes. Yes.

2 Q. Isn't it true that at that time you wanted to
3 have a relationship with Bel that was other than a
4 professional relationship?

5 A. As I said, I'm not really sure that that's --
6 the way you said it it's true. I would agree that there
7 was something going on, yes, but I'm not sure that I
8 wanted to have a relationship. It just happened that
9 that day was very unusual behavior of her which actually
10 probably prompted me to think that there could be
11 something between us more than just friendship, and
12 according to her it was wrong. According to her it was
13 wrong.

14 Q. Okay. Did you feel coerced into rubbing her
15 feet?

16 A. No.

17 Q. Did you feel coerced into rubbing her back?

18 A. No.

19 Q. You did that voluntarily?

20 A. Yes.

21 Q. Do you believe that was consistent with the
22 PVPs, that you would massage --

23 A. I wouldn't --

24 Q. Excuse me.

25 A. I wouldn't agree with that.

1 Q. Excuse me.

2 That you would massage the feet or back of a
3 general manager of a contractor, do you think that was
4 consistent with the PVP?

5 A. That is a very convoluted question. I'm not
6 sure how to answer that. I don't think that there is
7 anything in PVP which says anything about massaging feet
8 of anybody, but if you want me to answer that question I
9 would say that under the circumstances, under what was
10 going on in e-mails from her in the last six months
11 before that, I wouldn't think that that's something that
12 would violate any PVP values or anything that was written
13 in the conduct manual. My behavior certainly didn't
14 violate that. What I violated is my wife's trust. That
15 I -- you know, there is nothing I can say about that. I
16 am very ashamed of what I did to my wife. But I'm not
17 ashamed of what I did to her and I never in any
18 circumstances crossed the line of doing something
19 inappropriate, doing -- whenever -- if she said no, I
20 would stop doing things, if she said no. And when she
21 said no I did stop doing things. So I wouldn't say that
22 that was violation of PVPs, no, and I wouldn't say that
23 was violation of conduct manual, no.

24 Q. You wouldn't?

25 A. No, I wouldn't.

1 Q. Do you think that a personal relationship --
2 did you consider what you had with her as a personal
3 relationship?

4 A. Yes, to a point, yes.

5 Q. Would you describe it as a romantic
6 relationship?

7 A. It's possible, yes. I wouldn't deny that.
8 Yeah, it's possible to describe it that way.

9 Q. Let me show you page PG 359 of Exhibit 2, the
10 business conduct manual, all right?

11 A. Okay.

12 Q. If you look at that document, it talks about --
13 the title of it is business, financial and personal
14 relationships, right?

15 A. Okay.

16 Q. And on the left-hand side it says all employees
17 are obligated to act at all times solely in the best
18 interest of the company, right?

19 A. Yes, which I did, in the best interest of the
20 company.

21 Q. Okay. And then the right-hand side at the top
22 it says what are some situations that raise concerns, do
23 you see that?

24 A. Yes, I see that.

25 Q. Look at the sixth bullet point down which is

1 the second from the last.

2 A. Uh-huh, yes, when an employee, okay.

3 Q. When an employee has a romantic relationship
4 with a current or a potential supplier, contractor or
5 customer or an employee of any such entity when the
6 company employee has direct or indirect decision-making
7 authority or influence with respect to the underlying
8 business relationship.

9 A. Yeah, okay. What was -- what's the point?

10 Q. You had a -- the point is you knew that this
11 was against company policy; correct?

12 A. No.

13 Q. You didn't know that having a business --
14 having a personal relationship with a --

15 A. When the company employee --

16 Q. Excuse me, I'm not done.

17 A. -- has direct or indirect decision-making
18 authority.

19 Q. Sir, I'm not finished. You need to let me
20 finish my question.

21 A. Oh, I'm sorry. I thought that you are reading
22 this paragraph.

23 Q. I did. Now I have a question.

24 A. Okay.

25 Q. Okay. You understood as an employee of

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1 Procter & Gamble that it was against company policy for
2 you to have a romantic relationship with an employee of a
3 contractor; correct?

4 A. No. It's when the company employee has direct
5 or indirect decision-making authority or influence with
6 respect to the underlying business relationship.

7 Q. You had no such authority?

8 A. No. I don't have any authority.

9 Q. You had no authority with respect to that
10 relationship?

11 A. No. No. With respect to the business
12 relationship between Duracell and Practical, I'm not in a
13 position to offer any orders to that employee, I'm not in
14 the position to do any decision that may harm them or --
15 decision making, I'm talking about decision making here,
16 or put that company into better position with respect to
17 Duracell, and I have never done that.

18 Q. Okay.

19 A. So, yes, I agree there was a romantic -- not --
20 kind of emotional relationship, but not of this kind. I
21 didn't use that relationship to advance Practical to a
22 better standing or worse standing. Actually I was very
23 straightforward with Practical on audit on June 8th,
24 which might have strong consequences on what happened
25 that night and what happened after that.

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1 Q. Okay. Do you claim that you had no involvement
2 whatsoever in decisions that were made between Duracell
3 and Practical?

4 A. Not in these kind of decisions, no.

5 Q. What do you mean in these kind?

6 A. Let me read.

7 Q. I didn't ask you a question about the policy.
8 I asked you a question do you claim that you had no
9 involvement in any decision making with respect to the
10 relationship between Practical and Duracell.

11 A. I can only voice my opinion. I don't have
12 decision authority, yes, I don't have it.

13 Q. I didn't say decision-making authority. I
14 asked you whether or not you had any involvement in
15 decisions that impact the relationship between Practical
16 and Duracell?

17 A. Yeah, I have it, but I didn't -- that never
18 affected those decisions.

19 Q. I didn't say that. But your quality auditing,
20 for example, could impact the relationship between
21 Practical and Duracell; correct?

22 A. Yes, it could, but don't forget I'm not the
23 leading auditor, I'm there just in technical capacity, so
24 I'm there just to offer technical explanation of things.

25 Q. Do you claim that Bel ever -- strike that. Did

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1 Bel ever tell you to stop massaging her feet or her back?

2 A. She never told me to stop. She did tell me
3 once don't do that anymore, and when she told me I didn't
4 do it anymore. And actually, as I said, I was kind of
5 ashamed of myself for doing that anyway, so.

6 Q. Do you claim that you only touched her back and
7 her feet?

8 A. Yes.

9 Q. How long --

10 A. I also claim I never tried to kiss her. Again
11 I'm stressing this because at one point I think she said
12 that I tried to kiss her all over her face. Nothing
13 further from the truth and I can explain that why, if
14 you'll allow me. It's not really something I'm proud of,
15 but I can explain.

16 Q. Would you agree with me that it was poor
17 judgment as a manager at Procter & Gamble for you to
18 massage Bel's feet?

19 A. I don't know what does it have to do anything
20 with management. It's massaging the feet of a woman who
21 told me to come into her room. When I came into her room
22 she went straight to the bed, she dimmed the light, not
23 me, she dimmed the lights, she put me in the position. I
24 expected to go to the kitchen to sit down and eat the
25 dessert. I actually brought the dessert with me. What

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1 she didn't say is that we actually ate the dessert at the
2 end of the encounter, we ate the dessert and we left
3 amicably. I left her room. It was nothing. There was
4 no, you know, you harassed me, you did this to me. It
5 was nothing. We actually listened to music. We ate
6 dessert and I left the room.

7 In the meantime her husband called her, she
8 talked to him 15 minutes in Chinese. She called her
9 boss. She gave him -- and that's when I thought that she
10 actually left the phone open and she recorded what was
11 going on in the room, because I was told that there is a
12 recording from her room on her boss' answering machine
13 when meeting with HR started on June 15th. That was not
14 in the notes of meeting purposely. That was the start of
15 opening sentence of Lynne Burnett was we have the
16 recording.

17 Q. Okay. You're going far beyond. This has
18 nothing to do with my question.

19 A. It's very important.

20 Q. It might be important, okay, but I'm asking
21 specific questions, okay?

22 A. Yeah, good.

23 Q. Did you ever tell Bel Liu that you loved her?

24 A. I don't recall that I told her in that sense.
25 I couldn't tell her I loved her.

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1 Q. Did you tell her you were falling in love with
2 her?

3 A. I could have told her something like that, yes.

4 Q. Well, what is it that you think you told her?

5 A. I didn't tell her I'm falling in love with you,
6 no. I told her that she -- I might have feelings for
7 her, yes.

8 Q. Did you say anything else other than I might
9 have feelings for you?

10 A. I never told her I love her. I never told her
11 that because that wouldn't be true. I don't love her.

12 Q. What do you recall are the specific words that
13 you uttered to her, that I have feelings for you?

14 A. If I told her anything, then I told her
15 something along those lines, yes. I don't recall really
16 what I told her. I can strongly say I never said I loved
17 her. That would be too much.

18 Q. But you did want to have sex with her, right?

19 A. That I'm not really sure, the way you just said
20 it. I didn't want to have sex with her. I didn't come
21 to the room to have sex with her.

22 Q. I didn't ask you --

23 A. So, no. I felt -- you know, I felt something
24 when I saw a woman opening the door and dressed like she
25 was I felt something, obviously there was a thought in my

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1 mind, but I didn't come to that room to have sex, and I
2 would never, I would never have sex with a woman who said
3 no, never. So I'm just not that person.

4 Q. Okay. When you saw her at the door did you
5 then want to have sex with her?

6 A. No, at that point, no, I was very surprised
7 actually.

8 Q. How about when you were rubbing her feet, did
9 you want to have sex with her?

10 A. That is sensual, yes. I didn't want to have
11 sex with her, but I thought about that, yes. It wouldn't
12 be, you know.

13 Q. How about when you were rubbing her back, did
14 the thoughts come to your mind to have sex with her?

15 A. I don't -- I'm not sure. For me it's much more
16 sensual to have feet than the back. I'm not sure I was
17 thinking about that. As I said I massage my wife and I'm
18 really sorry of what I did to my wife. That would be the
19 extent of what I did to her.

20 Q. Did you ever tell her that you had a feeling
21 that you would rape her?

22 A. No. That is very misinterpreted in that -- in
23 those notes. I never said I would rape you. I said when
24 you do that with your legs one could rape you. That's
25 exactly what I said.

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1 Q. When you do what with your legs?

2 A. What she did with her legs is she actually
3 uncovered herself and she spread her legs just enough so
4 that you can take a look and then she closed her legs and
5 she was laughing at me, and then I said when you do such
6 things one could rape you, and then we had academic
7 discussion about rape. She probably expected me to act
8 upon that, and actually when she said what is rape, I
9 started to explain what is rape and I said rape is when
10 somebody is, you know, attempting to forcefully have sex
11 with you and blah, blah, blah. That was the extent of
12 it.

13 Q. What do you mean by --

14 A. And I'm very sorry.

15 Q. What do you mean by when you say she uncovered
16 herself?

17 A. Oh, she was like -- you know, she was in -- how
18 you call that, whatever is on the bed, you know, she was
19 covered by that, and then she actually did this and she
20 showed her leg to me (indicating).

21 Q. Do you claim that she was in the bed in
22 something other than this blouse and her shorts?

23 A. No. No. She was in her blouse and her shorts,
24 but when she did that she was turning -- spreading her
25 legs and putting her legs like this (indicating). I

1 don't know why she did that.

2 Q. But she had her shorts on?

3 A. Yes, yes, she had her shorts on.

4 Q. And you claim she spread her legs and then she
5 crossed her legs?

6 A. Yes, and she did that repeatedly.

7 Q. Why didn't you walk out?

8 A. Well, you know, I ask myself that question
9 because there was something strange about all of the
10 situation I must say. I didn't because it's just that, I
11 felt I would be with her, and I actually was invited to
12 the room, don't forget that.

13 Q. I understand, but she didn't tie you down, did
14 she?

15 A. No, she didn't. I mean why would I leave the
16 room? What did I do to leave the room? I mean why would
17 I leave the room?

18 Q. Were you uncomfortable when she spread her legs
19 and crossed them?

20 A. I was feeling very strange, yes.

21 Q. And you still didn't leave the room?

22 A. No, I didn't.

23 Q. Did you think that was poor judgment on your
24 part?

25 A. Yes, it was. I would agree it was poor

1 judgment on me, yes.

2 MR. CERASIA: I was told that we have to
3 go off because the tape is running out.

4 THE VIDEOGRAPHER: Off the record at
5 12:18 p.m.

6 (Lunch Recess: 12:18 to 1:27 p.m.)

7 THE VIDEOGRAPHER: On the record at 1:27
8 p.m.

9 BY MR. CERASIA:

10 Q. Mr. Cicvara, do you understand that you're
11 still under oath?

12 A. Yes.

13 Q. Okay. Did you review any documents during the
14 break, the lunch break for the deposition?

15 A. Documents per se I don't think so. Talking
16 just about a few things.

17 Q. Did you review any pieces of paper?

18 A. No.

19 Q. Okay. When you say we were talking, meaning
20 with --

21 A. The lawyer.

22 Q. With your lawyer, okay. By the way, do you
23 claim that Bel Liu ever touched you anywhere other than
24 on your thigh that one time in the car?

25 A. I said she put her -- she put her head on my

1 shoulder numerous times.

2 Q. Right, but I'm talking about touching with her
3 hand.

4 A. Oh, touching. She did took me on the hand when
5 we were in -- oh, boy, Singapore I think, yeah, in
6 Singapore when we were going to visit the store where she
7 bought certain T-shirts.

8 Q. And what did you claim she did?

9 A. Oh, she took my hand. Actually she hold me on
10 the hand when we were walking down the street from hotel
11 to the store.

12 Q. Did you ever tell her not to do that?

13 A. No, I don't think I did tell her anything.

14 Q. Did you ever touch or hold her hand at dinner?

15 A. She did touch and hold my hand at dinner. I
16 didn't. She did touch and hold my hand when we were
17 walking out of the dinner in Indonesia.

18 Q. How about in the dinner itself at the table?

19 A. No, I don't recall that I did, no.

20 Q. At any time that she touched your hand did you
21 ever tell her not to touch your hand?

22 A. No. No, I didn't.

23 Q. How about when you claim she put her head on
24 your shoulder, did you ever tell her not to do that?

25 A. No.